

APPROVED: MEETING NO. 27-86

ATTEST: *Carol A. Macdonald*  
MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 14-86

April 7, 1986

The Mayor and Council of Rockville, Maryland, convened in work session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, April 7, 1986, at 7:45 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James F. Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: City Manager Richard Robinson; Secretary to the City Clerk Patricia Rager; City Attorney Paul Glasgow.

Re: Work Session on Text  
Amendment T-70-85

Mayor Van Grack gave the following chronology of the events of T-70-85 from the filing of the Text Amendment on April 26, 1985 until tonight:

April 26, 1985	Fortune Parc Development Corporation files application
May 8, 1985	Noted that application has been filed on Planning Commission Agenda
May 13, 1985	Preliminary Review of Text Amendment at Mayor and Council Meeting. Application accepted for processing and referred to the Planning Commission
June 5, 1985	Planning Commission agenda notes worksession on the Text Amendment
June 26, 1985	Planning Commission agenda notes worksession on the Text Amendment

August 2, 1985	Staff report made available to public on the Text Amendment
August 7, 1985	Planning Commission agenda notes worksession. Planning Commission instructs staff to forward the Text Amendment to the City Attorney to place in proper legal form for advertisement of public hearing. Planning Commission withheld recommendation and deferred review to a later unscheduled date
October 16 & 22, 1985	City Clerk advertises in the newspaper that a public hearing is to be held on November 18, 1985 by Mayor and Council
November 12, 1985	Mayor & Council agenda indicates public hearing to be held but Mayor & Council agree to postpone hearing date to allow time for Planning Commission to conclude its review and provide recommendations. Public Hearing date tentatively scheduled for January 13, 1986
January 13, 1986	Public Hearing held at 8:37 p.m. to 12:19 a.m. on January 14, 1986
January 27, 1986	Public Hearing held at 9:20 p.m. to 12:20 a.m. on January 28, 1986
Februray 26, 1986	Record Closed
April 7, 1986	Worksession to be held at 7:30 p.m.

Mr. Davis, Director of Planning, briefed the Mayor and Council on the proposed Text Amendment. Mr. Davis handed out to the Mayor and Council a matrix comparing the T-70-85 proposal with the Planning Commission's and the staff's recommendations. He noted that this is a reconfirmation of what is in the record and stressed that there is no new information being submitted.

Mr. Davis then answered questions asked by the Mayor and Council.

Councilman Duncan asked Mr. Davis if the basic difference between the I-3 and O-3 Zone is acreage and Floor Area Ratio. Mr. Davis said that is correct. Councilman Hartogensis inquired if a new zone could be made and add the amenities found in the O-3. Councilman Coyle asked if the staff or Planning Commission had given any consideration to residential property being placed on

this particular property. Mr. Davis said thought had been given to this but did not wish to place residential so close to the interstate. Mr. Davis said the residential component could become a condition if used a .5 FAR with amenities as a bonus. It could be suggested that if any developer makes or contributes to residential housing stock the City will allow the increase in the density bonus. Councilman Abrams asked for a listing of I-3 limitations. Councilman Abrams asked if the building at Seven Locks Road and Montrose would be allowed under an I-3 Zone. Mr. Davis said it would not. Councilman Abrams questioned the need to create another zone for office space. Mr. Davis said he would like to see the I-3 Zone changed since there is no longer any industrial areas to be developed. Councilman Abrams asked if it would not be better for on-site comprehensive zone for each parcel. Mr. Davis said that is what the City is trying to do. Councilman Duncan said the I-3 zone should be changed if it needs to be changed. The Council then discussed at length the possibility of establishing a new zone to handle the last three remaining properties to be placed in the I-3 Zone. The three properties being the Fortune Parc Tract, the Thomas Farm and the King property. Mayor Van Grack said he is not persuaded that the height nor the magnitude as proposed in the Fortune Parc amendment is acceptable and he is not convinced that the traffic in the area will permit the magnitude of development sought. He recognizes that the Master Plan already recommends industrial zoning for the subject property. He understands that this is a text amendment not a development application. Mayor Van Grack said he supports: the use of this tool in the planning and land development control arsenal of the City; properties in the Maximum Expansion Limits to be annexed to the City; supports staging and adequate public facilities requirements established as part of this plan; residential component with on-site or off-site

as a condition of grant of density bonus above a certain level, and high and corporate type users of comprehensive nature.

Councilman Hartogensis said he shares some of the Mayor's sentiments. He said there is before the Council, a generic text amendment that is not site specific. The Text Amendment is a valuable tool to accomplish Comprehensive Plan Development. He is afraid to see the Mayor and Council do all the work of hearing the Plan, and if the developer was unhappy with the final result, not go through with the Comprehensive Planned Development but merely use the base I-3 development. He feels this zone is too generous and he would be comfortable with what the Council did with the Westmont property by giving it a Floor Area Ratio of 0.3. He said he thinks along similar lines as Councilman Duncan in that he would like to see all of the attributes of the I-3 zone left and leave out those that are not wanted. In other words fine tune the zone with lower base development.

Councilman Coyle said he would like to see the property annexed and kept as a residential zone, but he does not see the rest of the Mayor and Council going in that direction. In the spirit of compromise he would go with what Councilmen Hartogensis and Duncan have recommended that the FAR be lowered and add bonuses for adding residential units. He would like to see a new zone created to modernize the I-3 zone.

Councilman Abrams asked had the City initiated the text amendment, how would staff have done the amendment differently. He proposed that the staff start preparing a new text amendment for a new zone. He said he shared the same concerns expressed by Councilmen Duncan and Hartogensis. While the staff is looking at a new zone, he suggested that the staff look for a limited optional method tool to use to modify the existing I-3 Zone. He suggested the City be 1) more restrictive of uses limited to signature offices, 2) any residential component recommended should be off-site as a precondition for any

bonuses awarded, 3) in addition, have 30% go towards community transportation. This should all be computed into the precondition bonus.

Councilman Duncan said Councilman Abrams has made some valuable points that need to be addressed. He supports the staff coming up with a new zone.

Councilman Hartogensis asked if what has been proposed tonight could be added to this application. Mr. Glasgow said the changes are quite extensive and suggested staff file a new text amendment.

Councilman Abrams asked that staff work with the existing I-3 zone and keep it in the confines of what has been suggested. He asked that another look be taken at his recommendations and see if it falls within the modification of the I-3 Zone. It seems to him that these recommendations are still substantially within the modification. Mayor Van Grack said the Council should decide if that is what it would like to see done. Councilman Duncan said he does not want to see this add as an option to the I-3 Zone. He would like to have the staff come back with suggestions for a new euclidine zone with restrictions.

On motion of Councilman Duncan, duly seconded, staff was instructed to prepare the necessary legal documentation to deny Text Amendment Application, T-70-85.

Re: Executive Session

There being no further business to come before the Council in general session, the meeting was closed for executive session for consultation with legal counsel and to discuss personnel and litigation

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 10:40 p.m. to convene again in general session on Monday, April 14, 1986, at 8:00 p.m. or at the call of the Mayor.